

ATTACHMENT
A
PART 2

the Assistant Director before an inmate may receive such pay and/or benefit.]

21. [RETENTION OF BENEFITS. \$345.67] Guidelines for retention of benefits for jobs, pay grades, longevity and vacation credit, waiting lists, and positions are to be found in the table following this chapter. Most generic situations involving retention of benefits problems are addressed and presented as guidelines in the table.

For unforeseen problems involving such benefits, the SOI is delegated authority to dispose of individual cases and is encouraged to contact the FPI Institution Relations Division for policy guidance and coordination. In general the benefits are depicted on a sliding scale of gain-retention-loss, depending on the severity of the situations as explained below and depicted in the table.

[a. Job Retention. Ordinarily, when an inmate is absent from the job for a significant period of time, the SOI will fill that position with another inmate, and the first inmate will have no entitlement to continued FPI employment..

(1) For up to the first 30 days when an inmate is in medical idle status, that inmate will retain FPI pay grade status, with suspension of actual pay, and will be able to return to FPI when medically able, provided the absence was not because of a FPI work-related injury resulting from the inmate's violation of safety standards. If the medical idle lasts longer than 30 days, was not caused by a violation of safety standards, and the unit team approves the inmate's return to FPI, the SOI shall place that inmate within the top ten percent of the FPI waiting list.

(2) Likewise, for up to the first 30 days when an inmate is in Administrative Detention, that inmate may retain FPI pay grade status, with actual pay suspended, and will be able to return to FPI, provided the inmate is not found to have committed a prohibited act. If Administrative Detention lasts longer than 30 days, and the inmate is not found to have committed a prohibited act, and the unit team approves the inmate's return to FPI, the SOI shall place that inmate within the top ten percent of the FPI waiting list.

(3) An inmate in Administrative Detention, and found to have committed a prohibited act, may return to FPI work status

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at the discretion of the SOI.

(4) If an inmate is injured and absent from the job because of a violation of FPI safety standards, the SOI may reassign the inmate within FPI or recommend that the unit team reassign the inmate to a non-FPI work assignment.

(5) If an inmate is transferred from one institution to another for administrative (not disciplinary) reasons, and the unit team approves the inmate's return to FPI, the SOI shall place that inmate within the top ten percent of the FPI waiting list.

b. Longevity and Vacation Credit. Ordinarily, when an inmate's FPI employment is interrupted, the inmate loses all accumulated longevity and vacation credit with the following exceptions:

(1) The inmate retains longevity and vacation credit when placed in medical idle status, provided the medical idle is not because of a FPI work-related injury resulting from the inmate's

violation of safety standards. If the medical idle results from a FPI work-related injury where the inmate was not at fault, the inmate also continues to earn longevity and vacation credit.

(2) Likewise, the inmate retains, and continues earning for up to 30 days, longevity and vacation credit if placed in Administrative Detention, provided the inmate is not found to have committed a prohibited act.

(3) The inmate retains, but does not continue earning, longevity and vacation credit when transferring from one institution to another for administrative (not disciplinary) reasons, when absent from the institution on writ, or when placed in administrative detention and found to have committed a prohibited act.

c. Pay Grade Retention. Ordinarily, when an inmate's FPI employment is interrupted, that inmate is not entitled to retain his or her pay grade, with the following exceptions:

(1) An inmate retains pay grade status, with actual pay suspended, for up to 30 days in Administrative Detention. However, the inmate is not reimbursed for the time spent in detention.

(2) Likewise, an inmate retains pay grade status for up to 30 days while absent from the institution on writ, with actual pay suspended. The SOI may approve pay grade retention when an inmate is on writ for longer than 30 days on a case-by-case basis.

(3) If an inmate is absent because of a FPI work-related injury where the inmate was not at fault, the inmate retains his or her pay grade, with actual pay suspended.]

d. Other Situations. For all other matters not covered above, the SOI should base all decisions regarding benefit retention on the Inmate Worker Standards (see Chapter 2). Those standards should be the basis for SOI decisions to hire, retain, or increase or decrease pay and benefit conditions for any inmate worker, based on documented instances of conformance or non-conformance to the Inmate Worker Standards.

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Chapter 5, Table I

GUIDELINES FOR INMATE PAY AND BENEFITS

SITUATION	LONGEVITY JOB	CREDIT	VACATION CREDIT	PAY GRADE RETENTION	WAITING LIST	PROMOTION
Administrative Transfer	lost	retained	retained	lost	Top 10%	Accelerated
Disciplinary Transfer	lost	lost	lost	bottom of list w/SOI's Approval	On performance, if rehired	On performance, if rehired
Disc. Segregation	lost	lost	lost	w/SOI's Approval	bottom of list rehired	On performance, if rehired
Writ	lost	retained	retained Greater than 30 days with SOI's Approval	retained	w/SOI's Approval rehired, accelerated promotion	After 30 days, if rehired, accelerated promotion
Administrative Detention/guilty	SOI may retain accrued)	retained (for time period accrued)	retained (for time period accrued)	retained	w/SOI's Approval	On performance, if rehired
Administrative Detention/ not guilty		Continues for 30 days of admin. detention	Continues for 30 days of admin. detention	Continues for 30 days of admin. detention	Top 10% rehired, accelerated promotion	After 30 days, if rehired, accelerated promotion
Medical Idle** (If greater than 30 days, same as Administrative Transfer)	retained	retained	retained	continues	N/A	N/A
FPI work related injury and absence, no fault found**	retained	continues	continues	continues	N/A	N/A
FPI work related injury and absence w/ safety violation**	* lost	lost	*	w/SOI's Approval	If rehired, on performance	

(Decisions on all other matters should be based on the Inmate Worker Standards.)

* If the UDC/DHO process does not determine job loss, the SOI may retain or terminate FPI work status.
** Refer to 28 CFR part 301 for information on Lost-Time Wages.

CHAPTER 6

[AWARDS PROGRAM.]

1. [GENERAL §345.70. FPI provides incentive awards of various types to inmate workers for special achievements in their work, scholarship, suggestions, for inventions which improve industry processes or safety or which conserve energy or materials consumed in FPI operations, and for outstanding levels of self-development.]

a. Limitation on Awards. With the exception of the FPI Incentive Award Plan, the total value of awards at each institution's industry location in any given year is limited to an amount no more than one percent of the location's inmate payroll estimate for the current year based on the operating plan and projected inmate employment.

No later than October 1st each year, the SOI shall prepare the annual budget and that budget shall include the estimate for incentive awards.

b. Costing the Incentive Awards Programs. Costs associated with the Incentive Awards Program are to be charged locally. Costs are to be recorded under the appropriate overhead accounts. Payments for Incentive Awards shall be made in accordance with the established payroll system and included on the monthly payroll in accordance with the FPI Accounting Manual.

c. Reporting Inmate Worker Awards. Each SOI is responsible for maintaining records on inmate awards each fiscal year.

2. [OFFICIAL COMMENDATIONS §345.71. An inmate worker may receive an official written commendation for any suggestion or invention adopted by FPI, or for any special achievement, as determined by the SOI, related to the inmate's industrial work assignment. A copy of the commendation is to be placed in the inmate's central file.]

3. [CASH BONUS OR CASH AWARD §345.72. An inmate worker may receive a cash bonus or cash award for any suggestion or invention which is adopted by FPI and produces a net savings to FPI of at least \$250.00. Cash awards shall be one percent of the net estimated savings during the first year, with the minimum award being \$25.00, and the maximum award being \$1,000.00.]

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When there are substantial one-time costs to implement a suggestion or invention which will produce benefits over a number of years, and it is believed that an award based on first year savings would be inadequate compensation, the award may be based on an annual average of the estimated benefits over a period of three years.

4. [PROCEDURES FOR GRANTING AWARDS FOR SUGGESTIONS OR INVENTIONS \$345.73. Inmate suggestions for improvements in operations or safety, or for conservation of energy or material, must be submitted in writing.]

The standard Bureau suggestions form (BP-372) may be used with the phrase "Inmate Suggestion" typed in the upper right hand corner of the form, and put into a suggestion box or other locally approved receptacle.

[a. The inmate's immediate supervisor shall review the suggestion and forward it with comments and award recommendation to the SOI.

b. The SOI shall ensure that all inmate suggestions and/or inventions formally submitted are considered for incentive awards by a committee comprised of Industries personnel designated by the SOI.]

Ordinarily the committee is composed of the SOI and two other FPI managers. When the SOI is not a member of the committee, the committee's recommendation and justification are forwarded through the SOI to the Warden for approval.

[(1) The committee is authorized to award a cash award of up to \$100.00 or an equivalent gift not to exceed \$100.00 in value to an inmate whose suggestion has been adopted. A recommendation for an award in excess of \$100.00 shall be forwarded to the Assistant Director, FPI for a final decision.

(2) The committee shall forward all recommendations for awards for inventions through the SOI to the Warden. The Warden may choose to add his or her comments before forwarding to the Assistant Director for a final decision.

(3) Incentive awards are the exclusive methods for recognizing inmates for suggestions or inventions.]

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5. [AWARDS FOR SPECIAL ACHIEVEMENTS FOR INMATE WORKERS \$345.74. While recognition of inmate worker special achievements may originate from any FPI staff member, the achievement ordinarily will be submitted in writing by the inmate's immediate supervisor.

a. The SOI shall appoint a local institution committee to consider inmates for special achievement awards.

b. The committee shall forward its recommendations to the SOI, who is authorized to approve individual awards (cash or gifts) not to exceed \$100 in value. A recommendation for an award in excess of \$100 (cash or gifts) shall be forwarded, with the Superintendent's recommendation and the justification for it, through the Warden to the Assistant Director. The Warden may submit comments on the recommendation.]

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CHAPTER 7

[FPI INMATE TRAINING AND SCHOLARSHIP PROGRAMS.]

1. [GENERAL. §345.80 As earnings permit, FPI provides appropriate training for inmates which is directly related to the inmate worker's job assignment. Additionally, FPI administers a scholarship program to provide inmates with an opportunity to begin, or to continue with business and industry courses or vocational training.

a. An applicant for FPI-funded training programs should be evaluated to determine sufficient interest and preparation to successfully complete the course content. The evaluation may be done by the Education Department, unit team, or other qualified personnel.

b. An inmate selected to participate in FPI-funded training programs ordinarily must have enough sentence time remaining to serve to complete the training.]

c. The SOI shall send a list of awardees to the Warden after each group of awards is made.

2. [PRE-INDUSTRIAL TRAINING. §345.81 FPI encourages the development and use of pre-industrial training programs. Such training ordinarily provides benefits to the inmate and to the FPI factory. Pre-industrial training also provides an additional management tool for replacing inmate idleness with constructive activity. Accordingly, each FPI factory location may provide a pre-industrial training program.

a. Pre-industrial program trainees shall ordinarily begin at the entry level pay grade (grade 5). Positions for pre-industrial training programs are filled in the same manner as other grade five positions.

b. Pre-industrial training is not a prerequisite for work placement if the inmate already possesses the needed skill.

c. If pre-industrial training is available and the worker has not completed both the skill training and orientation phases of pre-industrial training, the inmate should be put into the first available training class.

d. When pre-industrial training is not available, new FPI assignees will receive on-the-job training in pre-industrial pay status for a period of at least 30 days before being promoted into available fourth grade jobs.]

3. [APPRENTICESHIP TRAINING. §345.82 FPI provides inmate workers with an opportunity to participate in apprenticeship training programs to the extent practicable. Such programs help prepare workers for post-release employment in a variety of trades. Apprentices are given related trades classroom instruction in addition to the skill training during work hours, where necessary.]

It is FPI policy to establish approved apprenticeship programs in those areas of industrial operations which have the potential to meet the requirements of:

- a. the Bureau of Apprenticeship Training (BAT) of the U.S. Department of Labor;
- b. the Department of Education of the state in which the training is located; and
- c. the Training Representative of the appropriate labor union.

Refer to the Program Statement on Occupational Education Programs for further information.

4. [JOB SAFETY TRAINING. §345.83 FPI provides inmates with regular job safety training which is developed and scheduled in coordination with the institution Safety Manager. Participation in the training shall be documented in a safety training record signed by the inmate.]

The training is designed to eliminate inmate industrial accidents, which often result in personal injury and lost work days.

5. [THE FPI SCHOLARSHIP FUND. \$345.84 FPI shall award post-secondary school scholarships to selected, qualified inmate workers. These scholarships provide an inmate with the opportunity to begin or continue with business and industry courses or vocational training as approved and deemed appropriate by the Supervisor of Education.]

The course of study should relate to the recipient's career choice and is not restricted to the local institution's FPI factory needs. Inmate workers should complete locally-developed scholarship application forms to be considered for selection.

[a. Eligibility Requirements. The SOI and the Supervisor of Education at each institution shall develop application procedures to include, at a minimum, the following criteria:

- (1) The inmate shall be a full-time FPI worker.
- (2) The inmate has a favorable recommendation for participation from his or her work supervisor.
- (3) The inmate meets all relevant institution requirements for participation (e.g. disciplinary record, custody level).
- (4) The inmate is accepted by the institution of higher learning offering the course or program which is requested.
- (5) The inmate must maintain a verifiable average of "C" or better to continue program eligibility.
- (6) Before beginning the course of study, the inmate must sign an agreement to provide the SOI with an unaltered, original copy of his or her grades.

b. Scholarship Selection Procedures. FPI scholarship awards shall be made by a three member Selection Committee comprised of the SOI, the Supervisor of Education, and one other person designated by the SOI.

c. Scholarship Program Operation

- (1) Ordinarily, one scholarship may be awarded per school period for every fifty workers assigned. At least one scholarship may be awarded at each institution location, regardless of the number of inmates assigned.]

One school period refers to the period of time necessary to complete one course e.g., trimester, quarter, semester.

[(2) Individual scholarships ordinarily should not exceed the cost of tuition and books for one course. Where several courses may be taken for the same cost as one, the inmate worker may be allowed to take more than one course.

(3) Scholarship monies are to be paid only to the institution providing instruction, or to the Education Department for transfer of funds to the college, university, or technical institution providing instruction.

- (4) An inmate may not receive more than one scholarship per school period.

(5) An inmate must maintain at least a "C" average to be continued as eligible for further assistance. An inmate earning less than "C" must wait one school period of eligibility before reapplying for further assistance. Where a course grade is based on a "pass/fail" system, the course must be "passed" to be eligible for further assistance.

- (6) An inmate awarded a correspondence course must successfully complete the course

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during a school year (e.g., 2 semesters, 3 quarters).

(7) An inmate receiving scholarship aid must have approval from the SOI and the Supervisor of Education before withdrawing from classes for good reason. An inmate withdrawing or "dropping" courses without permission shall wait one school year before applying for further scholarship assistance. An inmate may withdraw from courses without penalty for medical or non-disciplinary administrative reasons such as transfer, writ, release, etc., without first securing permission, although withdrawals for medical reasons must be certified in writing by the Hospital Administrator.]

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CHAPTER 8

RECORDS AND FILES.

1. **GENERAL.** These guidelines are intended to supplement the regulations already available in the FPI Accounting Manual. The guidelines contained in this Chapter are not intended to replace instructions in the FPI Accounting Manual.

The user is referred to the FPI Accounting Manual for detailed instructions on the proper execution of FPI forms related to the management of inmate personnel.

2. **PERMANENT RECORDS.** The records listed in this Chapter are used for inmate workers and are to be kept for two years before archiving. The archive process should be handled according to provisions set forth in the FPI Accounting Manual.

a. **Availability of Records.** Personnel records of workers shall be made available to Bureau and FPI staff members upon request.

Requests for records by persons other than FPI or Bureau staff shall be cleared through the SOI and the Inmate Systems Manager at the institution. For further information, contact the:

Office of General Counsel
Federal Bureau of Prisons
320 First St. NW
Washington DC 20534

b. **Records Custodian.** The SOI is the official custodian of FPI records. This function may be further delegated to FPI civilian staff.

c. **Inmate Worker Access to Records.** The content of an inmate's personnel evaluation and resume may be shared with him or her. The SOI is responsible for notifying inmates of the procedures to be followed for such requests. Inmate clerks, in assisting with clerical duties, are allowed to see these records only as with the SOI's approval.

d. **Inmate Transfers and Releases.** When FPI is made officially aware of the impending transfer of an inmate worker, the Evaluation Form 44 should be updated and sent immediately to the unit manager for inclusion in the Inmate Central File. A copy should be retained for use in advising the receiving SOI (at the request of the receiving SOI).

3. **PERSONNEL FORMS.** The following forms shall be used for the FPI Inmate Personnel/Management System. Work status begins once a properly executed FPI Form has been prepared, the name of the inmate has been entered on the institution change sheet, and the assignment has been approved by the unit team.

a. **FPI Form 44 - Yearly Chronological FPI Work Performance Evaluation Form.** This form provides semi-annual evaluations of inmate workers for a period of one year. The top sheet is executed no later than March 31. The process is repeated no later than September 30 each year. At the end of both semi-annual periods, the top sheet contains a cumulative year's record of evaluative data and the two NCR sheets have both been removed and sent to the unit teams.

The procedure provides both unit teams and FPI staff with a compact but comprehensive annual record of each worker's performance during the year. Inmates must be employed at least three months prior to this formal evaluation.

Exception: The FPI Form 44 should only be completed for sentenced inmates and not for Pre-trial inmates.

b. **FPI Form 82 - Job Grading Sheet.** This form is used to categorize the duties covered by an individual position and to determine a pay grade rating for that position. Categories of duties are matched with actual duties of the job. The grade is determined using the numeric weights assigned to each category of duties. The job and its rating then become a part of the FPI factory's pay grade structure for payroll purposes.

The classification method is based on the Dictionary of Occupational Titles (DOT) published by the U.S. Department of Labor. The DOT is available from the Superintendent of Documents, U.S. Government Printing Office, Washington DC.

c. **FPI Form 83 - Job Schedule.** This form displays the grade structure and level of inmate employment for each FPI factory. Form 83 lists all current jobs, titles, and pay grades. While Form 82 is concerned with the structure of a single position, Form 83 is concerned with the composite structure of all positions.

d. **Inmate Earnings Statement.** The Automated Inmate Payroll system generates a detailed monthly earnings statement given to each inmate actively working for FPI. Those FPI locations which do not have the automated system should generate locally produced monthly earnings statements for each inmate.

e. **FPI Form 39 - Request for Inmate Vacation.** This form, or a similar locally developed form, should be submitted to the work supervisor, department head, and SOI for approval two weeks in advance of the requested vacation time. The approved request is forwarded to the unit team for final approval. If the request is denied, the unit team states the reason(s) for the disapproval.

f. **FPI Form 96 - Inmate Industrial Employment Action.** This form shows the employment record of inmate workers. It is used to record all data on the worker from initial hiring to final removal, and it forms the basis for ADP system entries on inmate workers. Information from this form is entered into the Automated Inmate Payroll System.

Finally, these forms provide a resume of jobs held by the inmate and the period of employment. The DOT codes included furnish prospective employers with a uniform system for understanding what duties the ex-offender applying for employment can actually perform.

Inmates may request copies of their Form 96s through their unit team prior to job-seeking and/or other pre-release activities. The SOI shall notify inmates of the procedures to be followed to obtain copies of their Form 96 (ordinarily through the unit team as part of the release preparation program). Copies requested in this manner are provided free of charge to inmate workers.